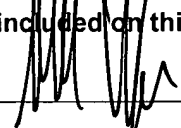
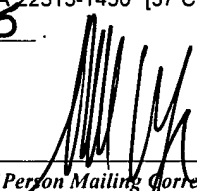


2134

AMENDMENT TRANSMITTAL LETTER (Small Entity)					Docket No. <u>0406.2</u>	
Applicant(s): Michael F. Krieger						
Application No. 09/963,867	Filing Date September 26, 2004	Examiner Brown, Christopher J.	Customer No. 21999	Group Art Unit 2134	Confirmation No. 1618	
Invention: BIOMETRIC DEVICE						
<u>COMMISSIONER FOR PATENTS:</u>						
Transmitted herewith is an amendment in the above-identified application.						
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27						
The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	-	20 =	0	x \$25.00	\$0.00	
INDEP. CLAIMS	-	3 =	0	x \$100.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input type="checkbox"/> No additional fee is required for amendment.						
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____						
<input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.						
<input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 500843						
<input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.						
<input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.						
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 _____ Signature			Dated: <u>Feb. 14, 2005</u>			
Michael F. Krieger (35,232) Attorney for Applicant Kirton & McConkie 1800 Eagle Gate Tower 60 East South Temple Salt Lake City, Utah 84111 (801) 321-4814			<div style="border: 1px solid black; padding: 5px;"><p>I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>Feb. 14, 2005</u></p><p style="text-align:center">(Date)</p><p style="text-align:right"></p><p style="text-align:right">Signature of Person Mailing Correspondence Michael F. Krieger</p><p style="text-align:right">Typed or Printed Name of Person Mailing Correspondence</p></div>			
cc:						



PATENT
Docket: 0406.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Michael F. Krieger)
)
Serial No.: 09/963,867)
) Art Unit
Filing Date: September 26, 2001) 2134
)
Title: BIOMETRIC DEVICE)
)
Examining Attorney: Brown, Christopher J.)

AMENDMENT AND RESPONSE

Mail Stop Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This communication is responsive to the Office Action mailed September 14, 2004.

Please amend the application as follows:

IN THE CLAIMS:

1. (Currently Amended) A control device for authenticating the identification of a user prior to access to a software application, the control device comprising:

- a) a biometric signal acquisition module located on a computer input device;
- b) an area on the computer input device through which the biometric acquisition module may obtain the biometric signal of a user in ~~of the control~~ of the computer input device; and